



American College of Laboratory Animal Medicine

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Document Management System
United States Department of Transportation
Room Plaza 401
400 Seventh Street, SW
Washington, DC 20590-0001

Re: Docket Number: FAA-2002-13378 - 2189

DEPT. OF TRANSPORTATION
DOCKETS
02 DEC 18 AM 11:06

Dear Sir/Madam:

On behalf of the American College of Laboratory Animal Medicine (ACLAM), which represents more than 700 board-certified laboratory animal veterinarians, I am writing to comment regarding the proposed rule relating to "Reports by Carriers on Incidents Involving Animals During Air Transport".

ACLAM has always endorsed and promulgated the application of principles of humane animal care and use for all vertebrate animals, including both warm- and cold-blooded species used in research. ACLAM also encourages the applications of the same principles to those animals that are maintained as pets. Hence, the routine and safe transportation of household pets is important to us as well as to their owners.

The proposed regulations outlined under Part 119 while addressing Section 710 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR-21), "Reports by Carriers on Incidents Involving Animals During Air Transport", uses wording in portions of this section that appears to be too broad and lacks precision thereby placing an unnecessary burden on commercial air carriers whose willingness to continue to provide pet air transportation may be diminished.

Of particular concern is the definition of animal, which is written in such a broad fashion as to extend far beyond traditional pet animals: "...any warm or cold blooded animal, which, at the time of transportation, is being kept as a pet in a family household in the United States, or is being transported for the purpose of being sold as a pet in a family household in the United States". As presently written, the definition includes both vertebrates and invertebrates. This would require reporting the deaths of insects, a wide spectrum of marine invertebrate life, tropical fish, and a variety of other members of the animal kingdom as well as the warm blooded vertebrates more traditionally viewed as pets. Since the definition also includes animals being transported for the purposes of being sold as a pet in a family household, the scope of the reporting requirement extends beyond individual pet animals and potentially involves the tracking of individual animals within large groups of animals in a single shipment. This can be very problematic for airlines even using the viewing ports provided on most shipping containers. Such determinations may only be able to be made at the time of unpacking by the owner and the findings may be influenced by transportation and handling by the owner or the owner's designee subsequent to the air transportation.



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The term injury also is quite broad: "... incidents involving the loss, injury or death of an animal during air transport... ". This could include conditions existing prior to shipment that result in clinical signs that could develop following any form of transportation even though the underlying problem was not air transportation. It is also unclear who will make the determination of an injury, and how long after receipt of the animal by the owner will the responsibility of the airlines be extended or attributable to the air carrier.

In the case of a pet animal, such as a dog or a cat, being shipped by the owner from one point to another (and in many cases traveling on the same aircraft as the owner), the regulations make sense as written. However, because the definition of animal has been broadened to encompass essentially the entire animal kingdom and the movement of all animals that potentially could be sold as pets, the likelihood of truly acquiring meaningful data decreases.

Restricting the definition of animal to vertebrates and ending the airline's period of custody to when the animal is turned over to the owner or his/her designee at the airport of final destination would make these regulations easier to interpret. The use of the term designee would include not only the guardian but would also extend to those individuals assigned or hired by the owner to receive and/or transport the animal(s) to the owner: *"The air transport of a **vertebrate** animal includes the entire period during which an animal is in the custody of an air carrier, from check-in of the animal prior to departure until it is returned to the owner or owner's designee at the airport of final destination of that **vertebrate** animal."*

Moreover, the addition of the word physical to describe injury would clarify the likely intent of the legislation, that being the reporting of clinically apparent injuries caused by such factors as rough handling or inappropriate loading of the animals into the aircraft and easily observable by the air carrier using existing mechanisms: "...incidents involving the loss, **physical** injury, or death of a **vertebrate** animal during air transport provided by the air carrier."

As those involved in daily shipments of animals, nationally and internationally, ACLAM feels that the current systems for animal air transportation are efficient, safe and appropriate. With the minor changes that are suggested in this letter, ACLAM feels that the regulations will effectively produce the required information needed to analyze the status of air transport of animals as family household pets in the United States.

If you have any questions or if ACLAM can be of any assistance, please contact me at 718-430-8551. Thank you for your consideration.

Sincerely,

Diane J. Gaertner, D.V.M., Diplomate ACLAM
President, American College of Laboratory Animal Medicine

Cc M. Balk, Executive Director
M. Kastello, Chairperson, ACLAM GRAC Committee